REMARKS

The Office Action dated January 25, 2006 has been received and considered. Reconsideration of the outstanding rejections in the present application is respectfully requested based on the following remarks.

Obviousness Rejection of Claims 1, 2, 4, 12, and 13

At page 2 of the Office Action, claims 1, 2, 4, 12, and 13 are rejected under 35 U.S.C. § 103(a) as being obvious over Schaffer et al. (US 5,524,190), in view of Young (US 6,898,681 B2). This rejection is hereby respectfully traversed.

Claim 1 recites a segment queue stored by a control module for storing a list of data segments that have been updated in a memory module. This element is not disclosed or suggested by either of the cited references. According to the Office Action at page 3, this element is disclosed by Schaeffer at column 5, lines 53-55 ("Each time a user makes a change to a document, copy of the command object that represents the change is placed onto the end of a queue."). Applicant respectfully traverses the Office Action's characterization of Schaeffer. Schaeffer discloses a queue of *command objects* representing *changes to a document*. Schaeffer does not disclose a segment queue that stores a list of *data segments* that have been *updated* in a memory module.

Claim 1 also recites a control module that, when a time interval expires, copies the data segments listed in the segment queue to said non-volatile storage media. As indicated by the Office Action at page 4, Schaeffer does not disclose this element. This element is also not disclosed by Young. The Office Action cites column 1, lines 33-34 of Young as disclosing this element. However, the cited passage states "It is standard practice to make backups of data *from disc volumes* at regular intervals. *Young*, col. 1, lines 33-34 (emphasis added). Further, the disc volumes disclosed by Young are hard disc volumes. *Id.*, col. 1, lines 24-32. Thus, Young only discloses making backups of data from a hard disc volume. Young does not disclose copying data segments of a memory module listed in a segment queue to a non-volatile storage media.

In addition, there is no motivation to combine the Young and Schaeffer references. Schaeffer is directed towards "a system and method for automatically saving *a document*" from RAM to a hard disc. *Schaeffer*, col. 1, lines 48-50 (emphasis added). Young, in contrast, is

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directed to creating a backup of an *entire hard disc volume*. There is no suggestion in either reference that the document backup system of Schaeffer should be combined with a hard disc volume backup system such as the system of Young. Further, one of skill in the art would not be motivated to combine the references because they are directed to nonanalogous art. Applicant submits that automatic backup of an individual document being accessed by a user and backup of entire hard disc volumes are not analogous problems, and one of skill in the art would not be motivated to combine Young and Schaeffer. Accordingly, Young and Schaeffer fail to disclose or suggest each and every element of claim 1.

Claims 2 and 4 depend from claim 1. Accordingly, Young and Schaeffer fail to disclose or suggest each and every element of these claims, at least by virtue of their dependence on claim 1. In addition, these claims recite additional novel elements. For example, claim 2 recites "wherein the time interval is defined by a user." This element is not disclosed by Young or Schaeffer. According to the Office Action at page 5 Schaeffer discloses at column 6, lines 53-55 that "the saving process can occur at a 'user-specified time.'" However, as indicated by the Office Action at page 4, Schaeffer does not disclose copying data segments listed in a segment queue when a time interval expires, as recited in claim 1. Accordingly, Schaeffer does not disclose that the *time interval* can be set by a user, as recited in claim 2. Further, Young does not remedy the deficiency of Schaeffer.

With respect to claim 4, the claim recites "wherein the memory module is a RAM module." As explained above, Young discloses making backups at regular intervals *of disc volumes* rather than making backups of data segments stored in a RAM module when a time interval expires, as recited in claim 4. Further, Schaeffer does not remedy the deficiency of Young. Accordingly, Young and Schaeffer fail to disclose or suggest each and every element of claims 2 and 4.

With respect to claim 12, the claim recites recording in a queue that a data segment in a memory module has been updated, determining whether a preset time-interval has expired, and when the time interval has expired, copying the segments recorded in the queue to a non-volatile storage media and clearing the segments from the queue. As explained above, neither Schaeffer nor Young disclose these elements. Accordingly, Schaeffer and Young fail to disclose each and every element of claim 12.

Claim 13 depends from claim 12. Accordingly, Young and Schaeffer fail to disclose or suggest each and every element of this claim, at least by virtue of its dependence on claim 12. In addition, claim 13 recites additional novel elements.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 1, 2, 4, 12, and 13 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 3 and 14

At page 7 of the Office Action, claims 3 and 14 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer et al. and Young as applied to claims 1 and 12 above, and further in view of Yan et al. (US 2004/0103438 A1). This rejection is hereby respectfully traversed.

Claim 3 depends from claim 1. Claim 14 depends from claim 12. As explained above, Young and Schaeffer fail disclose each and every element of claims 1 and 12. Further, Yan does not remedy the deficiencies of Young and Schaeffer. Accordingly, Schaeffer, Young, and Yan fail to disclose each and every element of claims 3 and 14, at least by virtue of their respective dependence on claims 1 and 12. In addition, claims 3 and 14 recite additional novel elements.

Further, there is no motivation to combine Schaeffer, Young, and Yan. As explained above, Schaeffer is directed to automatic saving of documents, while Young is directed to backup of hard disc volumes. Yan is directed to "methods and systems for transferring an event from a server to a client." *Yan*, [006]. There is no suggestion in any of the references that the document backup system of Schaeffer should be combined with a hard disc volume backup system such as the system of Young and with a system for transferring an event from a server to a client, such as the system of Yan. Further, one of skill in the art would not be motivated to combine the references because they are directed to nonanalogous art. Applicant submits that automatic backup of an individual document being accessed by a user, backup of entire hard disc volumes, and transferring an event from a server to a client are not analogous problems, and one of skill in the art would not be motivated to combine the references.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 3 and 14 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 5 and 6

At page 10 of the Office Action, claims 5 and 6 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer et al. and Young as applied to claim 1 above, and further in view of Yanai et al. (US 5,341,493). This rejection is hereby respectfully traversed.

Claims 5 and 6 depend from claim 1. . As explained above, Young and Schaeffer fail disclose each and every element of claim 1. Further, Yanai does not remedy the deficiencies of Young and Schaeffer. Accordingly, Schaeffer, Young, and Yanai fail to disclose each and every element of claims 5 and 6, at least by virtue of their respective dependence on claim 1. In addition, claims 5 and 6 recite additional novel elements.

Further, there is no motivation to combine Schaeffer, Young, and Yanai because they are directed to non-analogous art. As explained above, Schaeffer is directed to automatic saving of documents, while Young is directed to backup of hard disc volumes. Yanai is directed to "a reliable disk storage system with write preservation, for assuring completion of data writes to a storage disk upon failure of main electrical power." *Yanai*, col. 1, lines 61-64. There is no suggestion in any of the references that the document backup system of Schaeffer should be combined with a hard disc volume backup system such as the system of Young and with a system for assuring completion of data writes to a storage disk upon failure of main electrical power, such as the system of Yanai. Further, one of skill in the art would not be motivated to combine the references because they are directed to nonanalogous art. Applicant submits that automatic backup of an individual document being accessed by a user, backup of entire hard disc volumes, and assuring completion of data writes to a storage disk upon failure of main electrical power are not analogous problems, and one of skill in the art would not be motivated to combine the references.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 5 and 6 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 7 and 15

At page 11 of the Office Action, claims 7 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer et al. and Young as applied to claims 1 and 12 above, and further in view of Gittins et al. (US 6,961,651). This rejection is hereby respectfully traversed with amendment.

Claim 7 depends from claim 1. Claim 15 depends from claim 12. As explained above, Young and Schaeffer fail disclose each and every element of claims 1 and 12. Further, Gittins does not remedy the deficiencies of Young and Schaeffer. Accordingly, Schaeffer, Young, and Gittins fail to disclose each and every element of claims 7 and 15, at least by virtue of their respective dependence on claims 1 and 12. In addition, claims 7 and 15 recite additional novel elements.

Further, there is no motivation to combine Schaeffer, Young, and Gittins because they are directed to non-analogous art. As explained above, Schaeffer is directed to automatic saving of documents, while Young is directed to backup of hard disc volumes. Gittins is directed to a method for "notifying an application program of a change of state in the storage devices of a computing system." *Gittins*, col. 2, lines 10-12. There is no suggestion in any of the references that the document backup system of Schaeffer should be combined with a hard disc volume backup system such as the system of Young and with a method for notifying an application program of a change of state in the storage devices of a computing system, such as the method of Gittis. Further, one of skill in the art would not be motivated to combine the references because they are directed to nonanalogous art. Applicant submits that automatic backup of an individual document being accessed by a user, backup of entire hard disc volumes, and notifying an application program of a change of state in the storage devices of a computing system are not analogous problems, and one of skill in the art would not be motivated to combine the references.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 7 and 15 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claims 8 and 9

At page 13 of the Office Action, claims 8 and 9 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer et al. and Young as applied to claim 1 above, and further in view of Baber et al. (US 6,658,485). This rejection is hereby respectfully traversed with amendment.

Claims 8 and 9 depend from claim 1. . As explained above, Young and Schaeffer fail disclose each and every element of claim 1. Further, Baber does not remedy the deficiencies of Young and Schaeffer. Accordingly, Schaeffer, Young, and Baber fail to disclose each and every

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element of claims 8 and 9, at least by virtue of their respective dependence on claim 1. In addition, claims 8 and 9 recite additional novel elements.

For example, claim 8 recites "wherein said segment queue is manipulated by a user to customize the priorities of the data segments listed in said queue." This element is not disclosed or suggested by the cited references. Applicant respectfully traverses the Office Action's assertion at page 14 that this element is disclosed by Baber. Baber discloses "[a]n interface may be provided whereby a human user can request that messages from a server be *delivered* in some different order than the server has queued them for transmission." *Baber*, col. 9, lines 43-46. As a first issue, Baber does not disclose organization of a segment queue that stores a list of data segments that have been updated in memory, as recited in claim 8. Instead Baber discloses a queue of messages from a server. Further, Baber discloses only that messages may be *delivered* in a different order than they are listed in a queue. In contrast, claim 8 recites *manipulating the segment queue itself* to customize the priorities of the data segments.

Further, there is no motivation to combine Schaeffer, Young, and Baber because they are directed to non-analogous art. As explained above, Schaeffer is directed to automatic saving of documents, while Young is directed to backup of hard disc volumes. Baber is directed to "a technique with which sending applications or receiving applications...can change transmission priorities of in-transit messages dynamically." *Baber*, col. 4, lines 16-19. There is no suggestion in any of the references that the document backup system of Schaeffer should be combined with a hard disc volume backup system such as the system of Young and with a a technique with which sending applications or receiving applications...can change transmission priorities of in-transit messages dynamically, such as the method of Baber. Further, one of skill in the art would not be motivated to combine the references because they are directed to nonanalogous art. Applicant submits that automatic backup of an individual document being accessed by a user, backup of entire hard disc volumes, and changing transmission priorities of in-transit messages dynamically are not analogous problems, and one of skill in the art would not be motivated to combine the references.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 8 and 9 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

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Obviousness Rejection of Claims 10 and 16

At page 16 of the Office Action, claims 10 and 16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer et al. and Young as applied to claims 1 and 12 above, and further in view of Hashimoto (US 6,880,042 B2). This rejection is hereby respectfully traversed with amendment.

Claim 10 depends from claim 1. Claim 16 depends from claim 12. As explained above, Young and Schaeffer fail disclose each and every element of claims 1 and 12. Further, Gitt Hashimoto ins does not remedy the deficiencies of Young and Schaeffer. Accordingly, Schaeffer, Young, and Hashimoto fail to disclose each and every element of claims 10 and 16, at least by virtue of their respective dependence on claims 1 and 12. In addition, claims 10 and 16 recite additional novel elements.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claims 10 and 16 is improper. Withdrawal of the rejection and reconsideration of the claims is respectfully requested.

Obviousness Rejection of Claim 11

At page 18 of the Office Action, claim 11 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Schaffer et al. and Young as applied to claim 1 above, and further in view of Chang et al. (US 2005/0081099 A1). This rejection is hereby respectfully traversed with amendment.

Claim 11 depends from claim 1. . As explained above, Young and Schaeffer fail to disclose each and every element of claim 1. Further, Chang does not remedy the deficiencies of Young and Schaeffer. Accordingly, Schaeffer, Young, and Chang fail to disclose each and every element of claim 11, at least by virtue of its dependence on claim 1. In addition, claim 11 recite additional novel elements.

In view of the foregoing, it is respectfully submitted that the obviousness rejection of claim 11 is improper. Withdrawal of the rejection and reconsideration of the claim is respectfully requested.

Conclusion

The Applicants respectfully submit that the present application is in condition for allowance, and an early indication of the same is courteously solicited. The Examiner is respectfully requested to contact the undersigned by telephone at the below listed telephone

number in order to expedite resolution of any issues and to expedite passage of the present application to issue, if any comments, questions, or suggestions arise in connection with the present application.

The Applicants believe no additional fees are due, but if the Commissioner believes additional fees are due, the Commissioner is hereby authorized to charge any fees, which may be required, or credit any overpayment, to Deposit Account Number 50-3797.

Respectfully submitted,

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